# MINUTES FROM COUNCIL MEETING CITY OF NORTH CANTON MONDAY, AUGUST 22, 2016

1. Call to Order

COUNCIL PRESIDENT PETERS: I'd like to call to order the Council Meeting, Monday, August 22, 2016, 7:05pm.

- 2. Opening Prayer Councilman Cerreta led the opening prayer.
- 3. Pledge of Allegiance
- 4. Roll Call

**COUNCIL PRESIDENT PETERS**: Clerk, please call the roll?

Roll call found the following council members in attendance: Cerreta, Foltz, Fonte, Griffith, Peters and Werren. Thus having 6 in attendance.

**COUNCIL PRESIDENT PETERS**: Thank you. May I have a motion and a second to excuse Member Kiesling?

**COUNCILMAN FOLTZ**: So moved.

**COUNCILMAN CERRETA:** Second.

Roll call vote of 6 yes to excuse Councilwoman Kiesling.

**COUNCIL PRESIDENT PETERS**: Thank you very much. At this time I will turn it over to Mayor Held.

At this time, Mayor Held introduced Jamie McCleaster to City Council and those in attendance as the newly appointed member to the Planning Commission.

6. Consideration

**COUNCIL PRESIDENT PETERS**: Thank you. May I have a motion and a second to approve as presented:

Council Meeting Minutes: July 11, 2016

Mayor's Court Receipts for June and July 2016

New Liquor License to Vita Bella LLC, 1664 N Main St., Suites 13 & 14, North Canton, Ohio

New Liquor License to Giant Ohio LLC DBA Giant 446, 1406 Main St N., North Canton, Ohio

Transfer of Liquor License from Main Street Grille LLC, DBA Main Street Grille, 123 S Main St., 1<sup>st</sup> floor basement and patio, North Canton, Ohio, to Potts-Mil Corporation, DBA Main Street Grille, 123 S Main St., 1<sup>st</sup> floor basement & patio, North Canton, Ohio

**COUNCILMAN FOLTZ**: Motion to approve as presented.

**COUNCILWOMAN KIESLING:** Second.

Roll call vote of 7 yes to approve the above minutes and liquor licenses.

6. North Canton Elks Club to present a check to the City and the police department for the purchase of traffic safety vests for police officers.

**COUNCIL PRESIDENT PETERS**: Thank you very much.

7. Recognition of Visitors

(Melanie Roll read from a prepared statement)

MELANIE J ROLL: 308 Portage St. During the past several weeks, 11 citizens have been securing signatures on a petition concerning property tax exemptions granted by the Community Reinvestment Area Housing Counsel, on new construction in North Canton. This was an exercise in educating North Canton citizens, as most folks are unfamiliar with the Housing Counsel, or that property tax exemptions can be granted. I would like to read to the, for the public record the language of the petition. Mayor David Held, we request you call a meeting of the North Canton Housing Counsel by September 1, 2016. Please include on the meeting agenda the following: 1) rescind the tax abatements on North Ridge Place LTD, 1302 N. Main Street and Derek and Tara Ray, 331 Harmon Street NW. 2) Recover all taxes foregone on these properties. These two abatements are on new construction and not in compliance with North Canton Ordinance 107.09. Amount of taxes not paid by the owners over the abated term, North Ridge \$886,937.00, Harmon Street \$30,660. Abated taxes means lost revenue for North Canton Schools,

<sup>\*</sup>Police Chief Wilder reviewed the liquor licenses.

City EMS, fire, police and street improvements. Conclusion of petition. And what I would say is folks are angry, angry of a few not wanting to pay their share of property taxes. 178 North Canton citizens signed this petition, 7 are former North Canton Councilmembers. All of these citizens are in favor of tax abatements for improvements to existing homes, but not in favor of abatements for new construction. Daryl Revolt has stated earlier this summer in public speaks, current North Canton ordinances prohibit new residential construction from receiving CRA tax abatements. They are invalid. Could this be the reason Ordinance 16 is on the agenda this evening? Your intent being to craft legislation to include new residential construction? Mayor Held, we ask you to take immediate action. Schedule a meeting of the Housing Counsel, that is within your purview, I believe. Miriam and I will be presenting copies of this petition to the next scheduled school board meeting to Superintendent Wendorf and President Hunt. As nearly two-thirds of each of our property tax goes to North Canton Schools, how can you continue to pass legislation which ultimately will be a reduction of needed revenue to the school district? People cannot understand why you are doing this. Thank you.

**COUNCIL PRESIDENT PETERS**: Is there anyone else wishing to address council, not just on this matter but any other matter?

(Mr. Covey read from a prepared statement)

**ROD COVEY:** 35 Auburn Avenue SE. The AC Neilson Company is a noted company for 70 years has been measuring TV audiences to see how people react to various programs. That company has been very successful for measuring 330 million people with only 1,100 interviews. I decided to interview 25 of the place where I happened to live of 83 condos called Auburn Knolls, down on South Main Street. And I shared with them with 25 persons' information on this rebate issue on the tax abatements of the North Ridge Apartments and the Harmon Avenue homes. I planned to interview all 83, but as a career professional and marketing researcher, which I have been for 65 years, I felt the conclusion was valid and reliable. Those research people always ask themselves is it valid, and is it reliable? I feel it is. In a word, these residents were vehement, not believing this should even happen. It could even happen. Value of the particular condo units down there the 83, this \$34 million dollars owners pay annual property taxes of \$332,000 and \$180,000, roughly 6% of the total taxes go to the schools. And many feel they face another school levy. North Canton Schools is having some financial problems. Not serious enough to lose sleep over, but they are problems, and they will be solved as they always have been for such a great, great school system. The Auburn Knolls developer, for example in 1982, Dominic Visconsi of Cleveland, Ohio, who still runs a development company for condo units and major shopping centers in the nation. Anyways, he paid \$2.1 million for the land 35 acres and asked for no tax abatements. These North Canton residents vehemently ask that the abatements for rescinding immediately. Repeating a Repository headline, thanks Mrs. Holbrook and your superiors. The Repository headline of a strong editorial 18 months ago on insurance gate quote the headline full length headline read "North Canton residents are madder than hell". And I think they still are as Melanie said. Thank you, and thank you all.

CHUCK OSBORNE: 307 Fairview St SE, North Canton, Ohio. North Canton's CRA program became into existence with Ordinance No. 22- 1999 back in March of 1999. It was implemented for a good purpose. And a logical purpose to encourage people to fix up older housing here in the city. It would abate the increased value of the property after the improvements. My wife and I took part of that in 2005, and it's just now running out. We had a 10 year abatement. We put \$150,000 in an old house, and it's still an old house. But the house had been purchased by her parents in 1946, my wife had grown up there most of her life. And we were going to live there until we died. It sits on a very undesirable lot, they're very small lots. That's what this council should be doing. It needs to totally revamp the zoning code to do away with our 50 lots. There's no room for parking, there's no room for snow removal. You couldn't even fight a fire if you wanted to get on each, all sides of the house to fight the fire. Because the houses are too close. It increased the value of our house about \$20,000, and we've, the last reduction was \$600. We continue to pay taxes on the basic original value of the house. I think there's been less than 5 people take advantage of that in 17 years. And as I spoke to you back in April, I think that indicates this program is a failure. Nobody is going to do that, we had personal reasons, or we had goals set aside for ourselves. And I'm sure the one or two others that did had the same thing. The incentive has nothing to do with whether to make the investment or not. Absolutely nothing. You are turning this program into a program for wealthy and multi-millionaires. And if you stop and think, you're undermining your original purpose for developing or creating the program. Why would anybody come to North Canton and buy an old house and fix it up? When they're only going to get a few hundred dollars a year savings in taxes. When you can buy an empty lot here in North Canton and get 100% of the taxes abated for 15 years. We only got 10 years. And I'm not complaining, we didn't need it at all. But when you're handing out money, all of us will have our hands out. Now, Mr. Lemmon built a 40 unit apartment complex on North Main. Its investment property, I don't care if it's residential or not, its investment property. The rents build in the fact that you're going to have to pay property taxes. But since you've abated all the taxes on that in violation of your ordinance, he's getting windfall profits. You're undermining the entire purpose of, beginning this program. Because people aren't stupid. They're going to say "well hell, I'll build a house and have my taxes abated for the entire time my kids are in school," and not ever contributing to the schools, not ever contributing to the streets that they drive the schools on. The police and fire, all of that. Your housing committee is a joke. Who's on the housing committee? Two members appointed by the Mayor, two members appointed by Council, one member appointed by the Planning Commission, and two city residents appointed by the majority of the first 5. The very people that are creating this certainly aren't going to second guess it when it comes up for review. And again, you're also continuing to let the director of permits and inspection make these decisions behind closed doors, in the dark of night. Millions of dollars you're giving away. And there's no reason to. As I told again in previous speech the drugstore built near that dilapidated Mobile Home Park, O'Reilly's built. There's building all over this city. You're giving away money to multi-millionaires. And I was shocked when Mrs. Kiesling admitted that she was having ongoing conversations with Mr. DeHoff, and he was giving her incentives to throw back to Council to speed passage of the earlier one. This legislation that you've got on there to discuss tonight, you're simply trying to cover your butt...

**COUNCIL PRESIDENT PETERS**: Thank you, Mr. Osborne.

<u>CHUCK OSBORNE:</u> Because of the lawsuit that I threatened. Because you know you're wrong. Those abatements violated ordinance. Thank you.

<u>CATHY SCHNABEL</u>: I live at 1008 Woodland Ave SW. I would like to say I am appalled we are here again regarding this issue. As previously stated at the last meeting, the abatement is illegal according to your own zoning laws. How many of you on this board have accepted campaign donations from DeHoff? Those of you who have should recuse yourselves. I also would like to say the abatement would only help DeHoff, not owed the city and furthermore all neighbors having been discussing the fact that if and when a school levy or bond of any kind comes up for election we shall vote against it every time. Because the money should be going to the schools. Not to an abatement. Wake up people.

(Miriam Baughman read from a prepared statement)

MIRIAM BAUGHMAN: 320 Weber Ave., North Canton. I, too, gathered signatures and filled a petition. People at first were disbelieving when I told them why we were passing the petition. And then they did get angry. Nobody is against rehabilitation but nobody likes the idea of new construction. I handed out a packet with concerns with Ordinance No. 16. The first page is our Charter, Section 2.05, Paragraph 3, specifies the subject shall be clearly specified in its title. The title for Ordinance No. 16 repeals Ordinances 5-10 and 107-09. The title does not address reducing and dividing these two ordinances into the current 16 ordinance. So turn the page and you can see what I'm talking about. The reducing and dividing these two ordinances is addressed in a section, not in the title. Which is a violation of our Charter. If you read the title it just says you're repealing it. It says nothing else. Okay, turn the page. Section 2 states exhibit "a" is attached. There is no exhibit "a", which would be the map and the boundaries of the CRA. That is not open, honest government to not have that exhibit available. Section 5 on the same page, specifies the application must be filed six months after completion unless the Housing Officer extends the time. Please delete the time extension which creates a gray area. Someone could apply years after the fact. Because the time is not specified. Our ordinances can be more stringent than state law. Doing away with that time extension would be more stringent. Okay, turn the page. Section 7, specifies the Housing Director is authorized to grant real property tax exemptions. Change it to also approval or notification to Council in a public meeting in the spirit of open and honest government. If the Housing Director is the one to give them out, then nobody ever knows what they are. Turn the page. This is an actual copy of the tax duplicate from the County Auditor showing the yearly taxes not paid and the loss to fire and EMS, roads and schools. The schools are the biggest losers for over a half million dollars during the course of the abatement on this new construction. The school superintendent, the school board, and the teachers union are not happy about the loss of school funding. School approval should be part of the ordinance. In fact, there had been a couple residents that have gone to talk to the superintendent, it wasn't me, and it was brought up that the Council says "oh well, you are getting tax on the land". Well I heard the superintendent actually laughed, you know, sure you're getting taxed on the land what is it? It's on that page, what, \$7,000 a year, what aren't you getting, \$47,000 a year. And finally, how can you have the second reading tonight for Ordinance No. 49 – 16 amending Chapter 1133 of the zoning code? The zoning ordinance 1181.04 specifies all amendments must go to Planning Commission and have public hearings. And I don't think that has happened. And you're already passing the amendment. And in case you aren't familiar with the zoning code I have copies to give you. Thank you.

RON JESKEY: 1005 Woodland Ave SW, North Canton. I'm sorry to say I'm back. Last meeting I was at Council I was under the impression that due to some speakers who are very familiar with the law, which I am not, that the Council action on this taxation was illegal. I was also under the impression that the City Council stated that the North Canton School Board stated that they were against any tax abatements because they're going to lose tax money. And lastly, I think most, I won't say most, a lot of citizens of North Canton are not happy with what's going on with this tax abatement thing. If the school board comes up with a levy this fall, I don't know if they are, there's going to be a lot people vote against it. Because they've got a lot of money to lose. I am not going to have my school taxes raised for other people to enjoy no taxes whatsoever. And I've got to pay for their education. This is just a commonsense situation. I don't know why you people are keep on pushing this. Right after the meeting I attended when they said this was buried, the very next day I was told "oh no, it's going to come up. They're going to try to push this across whatever they have to do." Word on the street is this Council is being controlled by a few people in this county. And these people are very, very, very upset that these tax incentives were not passed and they want it passed. You represent the citizens of North Canton, you've got to do the right thing. This is taxation without representation. No one wants this that I'm aware of, that I've ever talked to. It's a ridiculous proposal, absolutely ridiculous. How you could tax some people, and not tax others. There were wars fought over taxation. I'm sorry to be gruff with you, but I have to be for the simple reason, you've got your minds made up, you don't listen to the citizens of North Canton. We don't want it. It's no good. It's a terrible idea. It's a terrible situation. Why don't you go on with your business like you should be doing, which is running the City. And just get rid of this because it's not going to go away as far as we're concerned. You know, it's just, I don't know what you people are thinking. I'm actually bewildered, I don't know what to say. I was here last time, I gave you guys a lot of information. And I thought things that could be done in North Canton. I asked for someone to get a hold of me and give me some feedback on that information, if there was any good ideas. No one contacted me. And of course, I didn't expect it, I'll tell you the truth. And I didn't expect it because of the crap like this, because this is what you're worried about. If you're so die-hard on appealing, or giving people who control this town what they want, then the only thing I can tell you to do you should all resign, get off the board. Lets some new people get in there who don't have any ties with these other people who run this City. Thank you.

<u>COUNCIL PRESIDENT PETERS</u>: Is there anyone else wishing to address council? Well, hold on, Mr. Jeskey, I think you may be a little confused.

**COUNCILWOMAN WERREN:** I think a lot of people are.

**COUNCILMAN FONTE:** Why don't we set the record straight?

COUNCILMAN CERRETA: Yeah, they don't know what they're talking about.

<u>COUNCIL PRESIDENT PETERS</u>: Yeah, I think everybody is confused as to what is going on here. We are repealing the most recent CRA, and falling back and putting in ordinance form falling back on the ordinances that were approved in 2000 and 2004. There is no new CRA area we're adding on. Mr. Jeskey, are you understanding what I'm saying? He's not even listening. See that's frustrating because you know, we have people come up and alleging a lot of things here.

**COUNCILMAN FONTE:** Well set the record straight then.

COUNCIL PRESIDENT PETERS: We're going to set the record straight. You know, it's been alleged here that we're bought and paid for by developers. And it's just absolutely ludicrous, it's ridiculous. I'm personally appalled and offended. Because most of you know me, for a long time. What we're going to be talking about in the Committee Meeting following this Council Meeting regarding the CRA is not expanding, we're not expanding the CRA. We're falling back to what was passed in 2000 and 2004. That's exactly what this is. This is not an expansion of the CRA. It's repealing the most recent one which is in '09. To make it consistent with what we have as far as certifications on the books. That's it. Nothing new. Its' the Valley View, the original Valley View CRA and the Main Street corridor. That is it. Which most of you that have come up and have spoken against this were in favor of it then. I'm sure you didn't tell people that, when you passed the petition around. You know, and it's frustrating, you know, and Mr. Jeskey I love him to death, but he was completely wrong. And he wouldn't even stick around to listen. It's frustrating. Mayor, would you, do you have something to say?

MAYOR HELD: Yeah, you know, just to give everybody an update where we're at on this CRA. When this was first brought to our attention that the CRA was approved. I mean anybody that looks at this, any of the Councilmembers, myself, my first look at this is that, of course, we're not, why would we approve a tax abatement for an apartment complex with 39 units? It's not anything that I've ever supported since I started as Administrator, it's not anything that I've supported 11 years ago since I started as Mayor. When you look at just to make it real simple, there are some taxes that we give back. You know, for example like the Hoover Company. We lost 23% of our income, so we want to bring businesses to the City of North Canton. How do we do that? Well we allow for tax incentives. So we'll say to a company if you come and you bring your 200 workers they will pay the income tax and then when after the city collects it we'll give it back to the company in the form of a grant. So some might call that a tax abatement or a grant. And the good thing is that we collect the money and then we give some back. But we do that so that they come and we have the jobs here and hopefully the stay for 10, 20 years into the future. So all the work that we did at the Hoover Company has worked out very well. Because the money that we invested, which was probably in tax dollars in incentives was probably like over \$300,000. But now we're getting every year at least \$400,000, \$350,000, \$400,000. So you can see that the tax incentives can be very positive. Now when you look at an apartment complex, such as the one that was abated here, that is something personally that I would never support. And we look at it and say "well, okay, how can this happen?" And really just to kind of take the whole process and try to simplify it, what happens is that there are tax abatements. And we say okay, most of that money that's collected at a tax abatement for property tax it goes mainly to the schools. So before going to give a tax abatement over a 10 year period, I believe its 10 years of over \$800,000 that the schools would have to give up. You would say you would have to get the school's permission. Correct? And in this case, that didn't happen. Why didn't it happen? So we go to our law director, we go to the administrator, we go to the law director and say we want to find out, I want to find out, Council wants to find out how this tax abatement could be given if it never came before council and it never came before the school board. I'd really like to know. So we had our law director go in there, and then also to make sure that we're doing things properly and that there's no appearance of impropriety, because decisions that we're making here as elected officials and as the law director. Obviously, we're within the system here. So we also ask Chris Schmenk who's from Bricker and Eckler, which is the leading law firm in this area down in Columbus to also review the work that Tim Fox, our law director's doing. And so we're not done with it yet, but what we found so far is that, that decision lied with our economic development director. And what he's able to do under his interpretation of the ordinance was that if it's for a residential property that he could grant that tax abatement. Now the intent as our previous President of Council Daryl Revoldt who wrote the law, and I've talked to him on at least a dozen conversations over this. Is that it was intended for residential properties that were not big apartment complexes. Right? So then the question is let's say that somebody buys a house, should it be done for a rental property. Well, how many units? Well, the ordinance that we have does not specifies the number of units as far as what classifies as commercial or residential. And so the decision that was made by the law director, I'm sorry, by our economic development director was that yes, this would qualify as residential. Its 39 units. Something I personally would never support, and my hunch is that our councilmembers wouldn't be so excited to support something like that. Because why would you give away tax money to bring in apartment complexes? Because 40%, 40% on average of the residents in the city pay income tax. It could be because they work in another city so they don't pay income tax, it could be because they're retired, so they're not going to pay an income tax. So we're not really, we don't want to incentivize necessarily apartment complexes. We just, I personally do not. Because it doesn't assure revenue is coming in. If any revenue comes it, it's going to be property tax. So where we're at right now is we are looking through every paper, every document, everything that was done on this CRA. You know, it's real clear that people are upset. Because I'm upset. We have members of council that are upset. Very upset. Okay, and so we're going to make sure that everything was done properly. We want to know why it didn't go, before this council. We want to know why it didn't go before the school board. So it is very upsetting. And I can assure everybody here that it's not some big conspiracy theory that somebody's controlling like developers are controlling these elected officials. I mean its complete nonsense, nonsense. But I can understand from your perspective, it's like how could somebody do this? Why would you even do something like this? This is like stupid. I agree. That's my opinion. That is my opinion. So what we're going to do, is we have our law director. And he's reviewing it, and he also has one of the top attorneys in the State of Ohio that's also reviewing it. We're going to make sure that clarify the process and what was done and why it was done. And we're going to get to the bottom of it. That's what we're going to do. So I'm glad that you folks submitted the petitions, but I can assure that everything is being done above board. And we're going to make sure that it's done above board for our council, and myself, and our law director, and our administrator, and Eric Bowles our Economic Development Director. He's done a great job serving the City, but also Friday is his last day because he retired. And so we want to make sure that we have a proper and very thorough review of these CRAs. And I can assure you that there is just no, I mean Ron said commonsense, well there's no, it defies commonsense to, to give a property tax abatement on a piece of, on an apartment complex when we know that less than 40% on average is going to be paying income tax. Why would we give up the property tax? Why would we do that? That's what our Councilmembers are asking. That's what I'm asking. We don't think that anything at all was done due to impropriety, at all. One thing that I know so far is that when you look at interpreting a policy that you can often times, and I see this, where you can interpret it in a number of different ways. You can have two people looking at the same situation, and I want everyone to be real clear, that I have with Eric Bowles, he has a great deal of integrity, and he has served the City very well. And I consider him a not only an excellent employee, but a personal friend. And so there is, there was no improprieties on his behalf at all. Not at all. There was no improprieties done by any of our, by our city administrator, our law director, by our council, at all. I can assure you of that. But we're going to make sure that, but we're going to make sure that we're able to demonstrate that to all of you. And so just not Mr. Fox, but also Chris Schmenk from Bricker and Eckler. We're going to get to the bottom of it. And we're going to find out why this went through. But I can tell you it really comes down to policies. Miriam, as you come up and you start reading the Ohio Revised Code, or our policies, Melanie, Ron, I mean you're exactly right. But, that's why we have attorneys to read this stuff and interpret it and to make sure that we're all doing what we're supposed to do. So I'm, that's my opinion, that's what we're going to be doing is having a very thorough review. But I can assure you that there is nobody up here that is being controlled by anyone, or that we would, there's just no incentive, there's no incentive for anyone to, to take away money from the schools. Everyone here supports the schools. So we're going to find out, and Mr. Fox is doing a very, very thorough review right now. And he's being the oversight is also being given by Chris Schmenk as far as the opinion, the information that he's looking at. So I do appreciate everybody's patience and this, this petition is well noted and to all of you that circulated it, you're message is loud and clear. And we appreciate the time that you took to put this together. That's all I have.

<u>COUNCIL PRESIDENT PETERS</u>: Anyone else have any comments? Council? Is there anyone else wishing to address Council please step forward state your name and address.

(Linda Hoagland read from a prepared statement)

LINDA HOAGLAND: 850 Easthill Street SE. I wasn't planning on speaking. We need, evidently someone needs to make the point that they are adding new construction to existing CRA areas that currently only allow abatement on existing structures. I believe that's all they need to say, or I need to say. And one thing too, I guess I want to add to that, you know, people keep talking about the schools and schools, which is fine, that's great. But you know, we're doing a disservice to the EMS and the fire and the police. Guys, when you put apartments up who's going to call, the EMS here is going to go there. So I guess we need to have that money to do that. I mean the schools, trust me, they can fight for themselves. They have plenty of attorneys and stuff. But think what you're doing to the residents and your police and fire, which we desperately need and depend on. And they're excellent. So let's not cut them short of the money that's owed to them.

LARRY TRIPP: 1127 East Maple. Thank you, Mayor, for your input. I had just one little problem understanding, you were talking about tax incentives versus tax abatements. The tax incentives are they coming from grant money? You were talking about grants for the tax incentives. So if that's the case the tax abatements hits home, it hits my pocketbooks. The, from grants doesn't really hit home as quick. Now back in the first of June, I made just a very easy suggestion for a tax incentive for people to paint their houses, put new roofs on, and put new sidings on. I don't know if you remember that. That was what, 2, 3 months ago? Has anything been done? Or was that just, you know, another wish list on my thinking? It means nothing to me because I'm retired, so I don't pay any income tax. But if you want to have a nice looking City, get people to paint their houses, put new roofs on, new siding. The tax abatement doesn't do anything in that area. So work on a tax credit, if you would, that's all I ask for. Thank you very much.

<u>COUNCIL PRESIDENT PETERS</u>: Thank you, Mr. Tripp. And actually the, the grants that the mayor was referencing earlier, for example, the cranes. That was your tax money that hit you directly. That came out of CIC, that's your direct tax dollars. Anyone else wishing to address Council, please state your name and address. Are we done? Alright, seeing none, we will move onto old business. May! have a motion and a second to read by title only the second reading of Ordinance No. 47 – 2016?

**COUNCILMAN GRIFFITH:** So moved.

**COUNCILMAN CERRETA**: Second.

Roll call vote of 6 yes to read by title only the second reading of Ordinance No. 47 - 2016.

8. Old Business

9. Ordinance No. 47 – 2016

Community and Economic Development Committee

An ordinance authorizing the vacation of a portion of Orchard Street NE and Witwer Street NE, located within the corporate limits of the City of North Canton.

<u>COUNCIL PRESIDENT PETERS</u>: Okay, that's Chairwoman Kiesling, she's not here. We've, this is the second reading, we've talked about this, this has been reviewed by the Planning Commission. And agreed to by the adjourning property owners. And if no one has any further comments I'll entertain a motion to approve the second reading.

COUNCILMAN CERRETA: I'll motion.

**COUNCILMAN GRIFFITH: Second.** 

Roll call vote of 6 yes to adopt the second reading of Ordinance No. 47 - 2016.

ORDINANCE NO. 47 – 2016 WAS GIVEN SECOND READING.

**COUNCIL PRESIDENT PETERS**: Thank you very much. May I have a motion and a second to read by title only the second reading of Ordinance No. 49 – 2016?

**COUNCILMAN FOLTZ**: So moved.

**COUNCILMAN CERRETA: Second.** 

Roll call vote of 6 yes to read by title only the second reading of Ordinance No. 49 – 2016.

10. Ordinance No. 49 - 2016

Ordinance, Rules and Claims Committee

An ordinance amending CHAPTER 1133 – SINGLE FAMILY AND TWO FAMILY RESIDENTIAL DISTRICT REGULATIONS, of the Codified Ordinances of the City of North Canton, specifically Section 1133.08(c)(3) Additional Regulations for Garages, Parking Areas, Driveways and Vehicles.

**COUNCIL PRESIDENT PETERS:** Thank you. Chairwoman Werren?

<u>COUNCILWOMAN WERREN</u>: So we talked about this before we went on break. And this came up because of a situation where a woman couldn't back out of her driveway any longer. And we wanted to make certain recommendations that if issues arose we could make changes. It kind of goes to what we talked about, about our housing stock and of the limitations that there are because of the lots. And so that's what this is going to help.

**COUNCILMAN FOLTZ**: One question, and I think Miriam brought it up, asked our law director to review 1181.04 to see if we're in compliance with this ordinance. I think that's what she passed out and discussed? Is that correct?

<u>LAW DIRECTOR FOX</u>: I think the issue was going to the Planning Commission, and your requirement right now this is the second reading, your third reading actually implements it. So in between the second and third reading, either the first or the second is when you should send that to the Planning Commission. Ask for the Planning Commission to define on that and give a recommendation. It comes back, if they're in agreement, then you in enact it on the third. It's just you need to do that before you enact that.

<u>COUNCILMAN FOLTZ</u>: Okay, so it will be on the agenda for the next Planning Commission meeting is what you're saying. We won't pass the third reading until they review it, and give us a recommendation? Is that what we're saying?

**LAW DIRECTOR FOX:** Right, it shouldn't come for a third before it goes to Planning.

COUNCILMAN FOLTZ: Okay, and whether that involves a public hearing or not that's going to be looked at. Okay.

<u>COUNCIL PRESIDENT PETERS</u>: Yeah, I think the reason we did that, was you know, we had her in council chambers and we promised her we were going to get the ball rolling on that. And there was a situation I believe she had the contractor there.

<u>COUNCILMAN FOLTZ</u>: Oh, I understand. Yes, I was out to the house. I'd seen it specifically and it's something we want to do to help alleviate those front yard situations that have no other opportunity to back out on a major street that's very busy. So, I think we're going the right direction as long you know if there's some way we need to comply with other amendment ordinances I think we should continue to do that also through the process.

**COUNCILWOMAN WERREN**: I think we are, I think that was already part of the process. Right, we're not going to block the whole...

**COUNCILMAN FOLTZ**: Okay, that's all. The question was made I was just making sure we're on the right path. Thank you.

ORDINANCE NO. 49 - 2016 WAS GIVEN SECOND READING.

#### 15. Reports - Council:

**COUNCIL PRESIDENT PETERS**: Alright, thank you very much. Reports, Member Fonte.

COUNCILMAN FONTE: I'd like to say welcome back everybody. Nice to see all these smiling faces, and it's nice to see everybody here in the audience. And I see a Boy Scout here for citizenship in the community. So awesome. So anyhow, thanks for everybody that spoke. The only thing that's been on my mind, is I went through the Main Street Festival which was well attended. We had a great break in the weather, the Mayor got dunked a couple times by me. Don't hold that against me, by the way. But you know I did get a lot of comments from different people about the Hoover project. So I'm just going to throw this out again, I think we need to have some communication with them. I know Cerreta's on it. Let's get them out to see if we can the yard cleaned up. At least have the outside appearance look like something's happening there. I know economics always play into it, and Hall of Fame and all these other projects. But if we could get someone out here to give us an update, and also get the outside, you know, fall's coming let's get some trees planted. Let's get the rough base in if we could. And just clean it up and make it look nice. Because it's the main part of town. I mean that's our square. And it would just look so nice to have that thing cleaned up, or at least have a program on where we're at with everything. Because I think people are asking. They want to know.

<u>COUNCILMAN CERRETA</u>: Well, I think you're preaching to the choir Dom, I think we've been after that now for some time. There's not a magic bullet. It's not easy.

**COUNCILMAN FONTE**: Thank you, sir.

**COUNCIL PRESIDENT PETERS**: Member Werren.

COUNCILWOMAN WERREN: Laura, it's nice to see you. And I saw you go by. I had a meeting for Eastwood they had their neighborhood association meeting and I went to that. And it was pretty well attended. And kind of the same thing that came up, they wanted to know what was going on with the Hoover Company. We put up the new tennis courts in the ward, and we're working on the ones in that area. I've been in touch with Jim Benekos, they have a creek or ditch that goes through that continues to flood. And but it's not just working with North Canton, its working with the Army Corp of Engineers. And you name it and they're kind of involved in that. And it's not as easy as just kind of getting a backhoe and moving some of that sediment. So it's a lot, but it was really nice that we were able to come together and talk about it. It was civil, it was back and forth, it was people could ask questions and then they would sit and respond. But I think it's that nice communication, kind of like we tried to do, Jeff, and our wards. And they're nice meeting, I mean we get a lot of information handled and they get questions answered, not by hearsay, but kind of like what's going on. So it was really helpful and I appreciate Eastwood doing that. And they're excited about the newsletter, Dave. Nice job. And I think Main Street was I think was a really nice success as well, and it's just nice to so many people out and about. I didn't have the opportunity to dunk you though.

### **COUNCIL PRESIDENT PETERS**: Member Griffith.

<u>COUNCILMAN GRIFFITH</u>: I would just basically what folks said about have said already, a special thanks to the chamber for a great festival. It's one of the things we highlight as a community. And without their work it wouldn't be done. So a special thanks to them. A special thanks to Eric for his great work in retirement. A special welcome to Laura. I've tried not to bother her too much. Which I'm sure she appreciates. I don't want to steal her thunder, but it's been a fun place to visit with her office with the various baked goods that have flowed in from other departments because they know it's going to be budget time soon. So a special welcome to her, and she's hit the ground running for sure, so I'm very glad and pleased to have her here.

# **COUNCIL PRESIDENT PETERS**: Member Cerreta.

**COUNCILMAN CERRETA**: Just the same kind of things. I thought Main Street was terrific walking around there. People would come up to me and say "this is really cool to have this of community and have this type of thing in a community." Also while we were gone we had the 720 that was very successful over there. And the library had a nice program at the park showing movies and so on. So we've had some really good things over this past summer. The YMCA pool, just a couple things. You know, they've had they've had a very successful year other there. Even though we got we started three weeks late. But there's always going to be issues that we're going to care of and the contractor's going to take care. And I've talked to the Mayor about that, with the grass and some of the runoff with the water. So there will be things that we're going to be needing to do in conjunction with the Y there. Guard shack, we met with the Heritage Society, which was Tim, Mike Grimes and myself. We met with those folks. They did get a grant to put some things into that. Steve Coon, I talked to him today, he will do the work to refurbish the rest of it. And the Heritage Society is actually going to pay him a little bit this time, he's actually going to get paid for something. Some of the things there, like the, that air conditioner that sticks out the side. We don't want a kid to hitting their head on that. So that's going to be removed. A lot of the stuff is going to stay the same on the inside though, but things like the gutters and everything need straightened out, and some painting, and so on. So Coon Restoration is going to take care of that. Also the University District is underway and you can see the new crosswalks out there. Jim, thank you, for getting that going. That's just a beginning state of what we're going to see out there. Even though the removal of the pillars was not as successful as I would have liked them to be, but we'll work through that. I do want to get an update on what our roads, when we're going to get refurbished on that. And I think Doug is probably going to mention something there. Hoover District, I did make contact with Carol Smith. She gave me a couple of dates in September where she will come here and at least give us an update. But that's all we get. So that's the best we can do. And that's it. No other report.

**COUNCIL PRESIDENT PETERS**: Thank you, Member Foltz.

**COUNCILMAN FOLTZ**: Yes, Jim, if you give us a road update as far as paving. Do you know right now when they might get started?

<u>ENGINEER BENEKOS</u>: They started with the catch basins, and then they'll be replacing some of the curbing. Once that's done, then they'll move in mass for resurfacing. There are some areas because the number of roads that we do have resurfacing this year, we'll probably have two mobilizations. There are some that they can move in, here in the near future and start paving those without areas don't need catch basins and curbing. So I expect that shortly. But I don't have an exact date for you yet.

**COUNCILMAN FOLTZ**: We anticipate getting everything on the list finished before the snow flies?

ENGINEER BENEKOS: We do. We still have some from last year that didn't get completely. So...

<u>COUNCILMAN FOLTZ</u>: Okay, I just think we need to continue to work towards having this list earlier, and having the contractor start earlier with even penalties if we have to put it in. So we...

**COUNCILWOMAN WERREN**: I think we have the list early. I don't think that's the problem.

<u>COUNCILMAN FOLTZ</u>: I'm not saying that lays with our city engineer, it's a very confusing situation sometimes. They're getting equipment mobilized, when you're dealing with contractors, and jobs that they run late somewhere else, they're going to come to your city late. It's just you know, I'm not making excuses, I'm talking about the reality of the business world where contractors do this. But anything that we could do in the future to just get out front of it I think is we owe it our residents versus trying to pave in October or early November before the snow flies. We just get a better job too. So, update on the pool as far as hours. How long are they going to continue to be open? Do we know for sure what that it is?

**DIRECTOR GRIMES**: They're going to Labor Day, is the last day.

<u>COUNCILMAN FOLTZ</u>: They're going to Labor Day. Okay, so it will be open this weekend and then the following weekend, is that what we're saying. They close right after Labor Day?

**DIRECTOR GRIMES**: Yes, sir, that's the last day.

**COUNCILMAN FOLTZ**: Okay.

**COUNCILMAN GRIFFITH**: And in the afternoon, in the meantime, right?

**COUNCIL PRESIDENT PETERS**: Yeah, afternoons during the weekday, right?

**DIRECTOR GRIMES**: Yeah, and then they're closed a little bit early. So and during the weekdays too once school starts.

<u>COUNCILMAN CERRETA</u>: Yeah, we going to meet with Ben then at that point and see how we're going to continue to make it even better and better.

**COUNCILMAN FOLTZ**: Right, we had a good meeting last year. Hopefully we can look at the numbers.

**COUNCILMAN CERRETA**: The numbers are very good, we've had a hot summer.

**COUNCILMAN FOLTZ**: I'm sure they are, even though we got started late.

**COUNCILMAN CERRETA**: I know we've got some things to clean up over there.

**COUNCILMAN FOLTZ**: Okay, alright, thank you.

<u>COUNCIL PRESIDENT PETERS</u>: Alright Jim, I have a question in regards to the catch basins. The contractor that we have does the installation, the curbing, and any repairs to the sidewalk, correct? And then we come and do the asphalt around it out in the street? Is that, who does the asphalt, I guess is what I'm asking.

ENGINEER BENEKOS: Well, you might be talking about a couple different programs. The street department they have a program where they're replacing catch basins, independent of the street resurfacing program. So they have a budget, I think they're replacing 60 to 80 catch basins this year. Like the ones over on Harmon and Park Circle. That was the street department project. So when that came to me I wasn't aware of what was happening. I went out and checked with the guys and found out what was happening on that project. So my understanding is some of that work a contractor will do, some the city might do. I believe on these particular catch basins the city was doing the asphalt work, the contractor was doing the concrete. At Harmon, right. That was poured today. I went by there on the way here. And I need to talk with Mike about who we have here 5:00am that can pull the cones and the barricades from the sidewalk. Now when we do a street project the contractor does everything on that project.

**COUNCIL PRESIDENT PETERS**: Okay, I was just curious. Alright very good. Director of Law?

# 12. Reports:

**LAW DIRECTOR FOX:** I'll cover the CRA portion when we get to that in the Committee Meeting. So we don't double up on that and keep everyone any later than they need to. I'll just reserve comment for that.

**COUNCIL PRESIDENT PETERS**: Alright, stay tuned. Director of Finance?

FINANCE DIRECTOR BROWN: Thank you. Just want to thank everybody for the warm welcome so far and note that I've got to visit a lot of the city departments and facilities. Everyone's been very welcoming and is very dedicated to the jobs that they do. So that's been nice to see. Once I have the chance to dig into more financial information I'll of course be providing you with reports. If there's anything that anybody on Council would like to see as far as financial reports please let me know. And I'll try to accommodate it as best as I can.

**COUNCIL PRESIDENT PETERS:** Outstanding, you're welcome. Director of Administration.

<u>DIRECTOR GRIMES</u>: With the catch basins we also have another little program where we do hire some of that out to get to specific ones because we were having so many an issue. So we've got a third way of attacking those too, depending on how much money we have. So...

**COUNCIL PRESIDENT PETERS**: I think that's the one I'm, the avenue I'm referring to the one that did it in front of our house. Are we doing the asphalt on that, or are they doing the whole thing?

**DIRECTOR GRIMES**: I think we still do the asphalt, they do the pouring of the cement and that. So...

<u>COUNCIL PRESIDENT PETERS</u>: Okay, I was just a little hurt that mine didn't get asphalted today and Harmon's did. But I understand why. Got ya. Mr. Mayor.

MAYOR HELD: Yes, first off, the Hoover District, Councilman Fonte brought up about how people were looking at the front lawn there where the parking lot is to go. And it's not looking good, as far as, you know, the parking lot's not done yet. And so actually that very day on Saturday I called the owner of the Hoover District Stuart Lichter out at his home in California. I spoke with him on the cell phone. Mark Cerreta also simultaneously I think even the same day or the day before, called his project manager Carol Smith. And so we're going to be meeting with both of them. And Mark has always Councilman Cerreta has always taken on the task along with the Administration to make sure that the Hoover District is doing what they're supposed to do. Doing it in a timely manner, and making sure that is getting done. So we're going to be meeting with them sometime in September to go over that, the status of the project. But historically, we've had a lot of cooperation from them, because you know we have over a thousand new jobs there at the Hoover District. And we're bringing in over \$400,000 a year with the jobs alone over at the Hoover District. To give you an idea of how much that is, our income tax we used to bring in \$7 million dollars that was back in 2000 when the Hoover Company left. We were down to \$5.4 million and it wasn't exclusively the income tax to the Hoover Company, but 23% of that was. So now we're, it was about a \$1 million dollars a year from the Hoover District. So now we're about half way, close to half way back as far as bringing back jobs and revenue to the city. So that's very, very positive. And as far as the CRA, I'm very pleased to see all our residents that are top of this. Because it's very, very troubling when you see the system and what took place with this particular CRA. Because we're working really hard to bring in tax dollars. We do not want to see tax dollars going out in another form. That certainly is not something that I or members of Council would approve of, or the school board would approve of. And that's where we have our law director, and our city administrator and our finance director. They are getting to the bottom of it. They are going to go through every document, every file. Whatever they have to do to make sure that they have a thorough assessment of this. So that we can make sure that, #1 it doesn't happen in the future, and, #2 that we if there's a need to correct anything with this one over the apartment complex, that we do that. With that, Eric Bowles, who has served the city very well over the years, his last day was on Friday. And I already have somebody that I would like to appoint to his position. Gary Fry, who was a community planner in two cities out in Utah. He lives in North Canton, he's a local attorney, and he's very, very bright. Has a lot of experience and we'd like to appoint him to the position of the development director. That would be responsible for economic development, building and permits and it's a big, big job. A lot of responsibility. And also zoning as well. And thank you to Dan Griffith for introducing me to him. So he will be a great asset to us. And then, our finance director, I'm not sure that a lot of our residents are aware of what a gem we have in our new finance director. Laura, she's a resident of North Canton, which is always a plus. We love to have people working here that live in our city. Love our city as much as we do. But when you look at a lot of municipalities throughout the State of Ohio and also across the country. They're really, really struggling financially. It's been a big, big struggle for North Canton and some communities it gets so bad financially that they have to go into fiscal emergency. So it's really like a financial emergency. And so what does the state auditor do, they call in the A team. They call in the best people that they have to go in and actually provide oversight to those municipalities that are in a financial crisis. And they and the State of Ohio provides oversight to get them back on track. And Laura is actually the person that leads that A team in northeastern Ohio. So when you look at cities such as Maple Heights, Mansfield, the City of Massillon. It is Laura Brown and her team that goes in there and comes up with methods and policies and procedures to get the city back on track. And most recently, Laura was providing oversight for the City of Massillon and they're really doing well. When you started working with them they had what like a \$1.80, and now how much do they have in their fund now that you just left?

FINANCE DIRECTOR BROWN: General Fund's doing much better.

MAYOR HELD: Yeah, much better. So they've gotten a lot of money. A lot more than they had, certainly then when you started. So when the council had asked for resumes, it was very apparent I wasn't in on the interview process, because the council selected Laura. But I would like to commend Council, because you know, you got the LeBron James of the financial world here. And we're really, really glad to have you here. So welcome. And that is all I have. And here's our Michael Jordan of city engineering. Go ahead, Jim.

ENGINEER BENEKOS: I have no report, thank you.

**COUNCIL PRESIDENT PETERS**: Madame Clerk?

<u>COUNCIL CLERK BAILEY</u>: I just want to remind everyone that I will be hosting a civil service exam for the patrolmen on Thursday, September 29<sup>th</sup> at 6:00pm at the civic center. And that's it.

13. Final Call for New Business:

**COUNCIL PRESIDENT PETERS**: Okay, with that final call for new business to council? Anyone?

<u>COUNCILMAN FOLTZ</u>: One question. When you do meet with the Hoover, we are going to ask about the Hoover smokestack? That was quoted to be started as soon as the weather broke.

MAYOR HELD: Oh absolutely.

COUNCILMAN CERRETA: They told me back in March, as soon as the weather broke.

COUNCILMAN FOLTZ: And I know that. I know its, and we should hopefully get this done. You know, it's been...

COUNCIL PRESIDENT PETERS: Well the painted brick has already been ordered and paid for, right? That's what I heard. So...

COUNCILMAN FOLTZ: Well, it's a matter of getting it done.

14. Adjourn:

**COUNCIL PRESIDENT PETERS**: Okay, that concludes this agenda, I'll entertain a motion to adjourn.

COUNCILMAN GRIFFITH: Motion.

**COUNCILMAN CERRETA**: Second.

Roll call vote of 6 yes to adjourn.

**COUNCIL PRESIDENT PETERS**: We are adjourned.

[Let the record reflect Charles Osborne set up a tripod and appeared to videotape the Council meeting]

DAMEL JEFF PETERS, PRESIDENT